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**From:** Beck, Whitney [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=95A55FA866614CF99239EF6C3509B71E-BECK, WHITN]  
**Sent:** 8/11/2020 6:44:15 PM  
**To:** Hurl, Kathy [Hurl.Kathy@epa.gov]; Chemerys, Ruth [Chemerys.Ruth@epa.gov]  
**Subject:** 404g Highlights

Hi Kathy and Ruth,

See 404g highlights updated from last week for FL- feel free to add rule updates and I also wanted to check if there are Michigan updates.

I'm assuming Kathy will send to Mike unless you'd like me to.

Thanks!  
Whitney

404(g) updates:

- Working toward 404(g) rule draft – target is end of September to OMB
  - Outstanding issues awaiting leadership input: ESA, NHPA, mitigation
  - Outstanding issues team still working through: details on partial assumption, retained waters and wetlands, dispute resolution.
  - EA and ICR cannot be completed until decisions made on ESA, NHPA and mitigation – potentially significant burden implications will need to be added
- FL assumption - continuing to coordinate with Florida; anticipate package this week.
  - Biological Evaluation – EPA editing
  - MOAs – EPA-FDEP MOA signed; Corps-FDEP MOA signed
  - NHPA – State operating agreement signed; **Ex. 5 Deliberative Process (DP)**
- Process documents – preparing all documents including: FRN including program approval and NHPA consultation; letters including consultation notifications to other agencies, tribes and interested parties
- ESA FRN – Dave/David reviewing memo changing agency position. Other actions include potentially crafting Memo to File responding to significant comments received.

State Assumption Efforts

- Minnesota – HQ continuing to coordinate with MN and R5.
  - Considerations – how to construct general permits/ involve local government units; how to demonstrate consistency with 404(b)(1) guidelines
  - Progress – MN expecting to present ideas to EPA in August; in the early stages of pursuing regulatory changes (starting to form stakeholder groups soon)
- Oregon – State has sent initial legal cross walk to EPA for review. There are gaps and inconsistencies we are working with them on.
- Michigan – state will transmit annual report this month.
  - Report will include description of changes to state program processes and permit review.
  - State not requesting EPA approval of program changes.
  - These do need approval; these changes would trigger ESA consultation on MI's program - post change in EPA position.

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